



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,283	02/17/2004	Matthias Michael Brennfleck	1746-11	7076

7590
John S. Egbert
Harrison & Egbert
7th Floor
412 Main Street
Houston, TX 77002

01/04/2006

EXAMINER

KENNEDY, JOSHUA T

ART UNIT PAPER NUMBER

3679

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,283

Applicant(s)

BRENNFLECK, MATTHIAS
MICHAEL

Examiner

Joshua T. Kennedy

Art Unit

3679



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-25, 27, 28, and 32-35 is/are rejected.
- 7) ☒ Claim(s) 26, and 29-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 19-35 have been examined.

Claim Objections

Claim 19 is objected to because of the following informalities:

Claim 19, Line 3: "connections" should be --connection--.

Line 9: --arranged-- should be added between "and with".

Line 11: "elements" should be --sidewalls--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-22, 24-25, 27, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Farrell (British Patent No. 1,359,480).

As to Claim 19. O'Farrell discloses a connection device for detachably connecting component parts comprising:

a connection element (Fig 1; Examiner considers each body of the connection device in conjunction with the hinge 16 to be the connection element);

a first jaw sidewall (Fig 3, 2; Examiner considers the first and second jaw sidewalls to be on the right connection element and the third and fourth jaw sidewalls to be on the left connection element) extending from said connection element;

a second jaw sidewall (1,10) extending from said connection element and arranged with respect to said first jaw sidewall so as to hold one of the component parts (Fig 5), said first and second jaw sidewalls being oriented in a first orientation with respect to said connection element;

a third jaw sidewall (2) extending from said connection element;

a fourth jaw sidewall (1,10) extending from said connection element and arranged with respect to said first jaw sidewall so as to hold another of the component parts, said third and fourth jaw elements being oriented in a second orientation with respect to said connection element;

an adjusting means (6; Examiner considers each part connection element to contain an adjustment means) positioned in said connection element, at least one of said second and fourth jaw sidewalls adjustably mounted to said connection element (Fig 1), the at least one of said second and fourth jaw sidewalls having a lateral leg (11) that projects from one end thereof into an interior of said connection element so as to be separate from and cooperative with said adjusting means (Page 2, Lines 55-64), said adjusting means for being activated from an exterior (Fig 3 shows the lateral leg 11 to protrude from the interior to an exterior of the connection element, allowing it to be

Art Unit: 3679

adjusted from the outside) of said connection element in a direction so as to brace or detach the at least one of said second and fourth jaw sidewalls.

As to Claim 20. O'Farrell discloses said connection element having a housing (5), said adjusting means (6) for activating said lateral leg (11) so that the at least one of said second and fourth jaw sidewalls is rotatable about a rotational axis (7) on said housing.

As to Claim 21. O'Farrell discloses said adjusting means comprising an eccentric (6) that is rotatably set in bearings (8).

As to Claim 22. O'Farrell discloses said adjusting means comprising an adjustment element (6) that is set in bearings via cylindrical guide surfaces (7) in said connection element.

As to Claim 24. O'Farrell discloses said adjusting means entering into a self-locking brace with the lateral leg (Page 2, Lines 55-58).

As to Claim 25. O'Farrell discloses said second jaw sidewall having a second lateral leg (Fig 3), said adjusting means being in active connection with said first and second lateral legs (8).

Art Unit: 3679

As to Claim 27. O'Farrell discloses said first and third jaw sidewalls being fixed (2), said second jaw sidewall lying opposite said first jaw sidewall, and fourth jaw sidewall lying opposite said third jaw sidewall.

As to Claim 28. O'Farrell discloses said adjusting means comprising a first adjustment element and a second adjustment element arranged coaxially with respect to said first adjustment element (Page 2, Lines 62-64).

As to Claim 32. O'Farrell discloses said lateral leg having an offset opposite said adjusting means (Page 2, Lines 55-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Farrell. O'Farrell discloses the claimed invention significantly as claimed, but does not disclose the radial play of the guide surface to be approximately 0.4 to 1 millimeter. It is not inventive to state the optimum or workable values of the radial play of the guide

Art Unit: 3679

surface. As determined through routine experimentation and optimization, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the bearing element as disclosed by the applicant to have a bearing of the guide surface with a radial play of approximately 0.4 to 1 millimeter as such is a design consideration to one skilled in the art, since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Farrell in view of Kristiansen (U.S. Patent No. 4,185,410).

As to Claims 33-34. O'Farrell discloses the claimed invention significantly as claimed, but does not disclose spacers being clamped into a recess formed on at least one of said jaw sidewalls.

Kristiansen teaches a spacer element (1) that can be clamped in the recesses (5) of the jaw sidewall or made to catch (8) on the jaw sidewall, to be "capable of gripping the upper edge of the base plate...locked between a pair of blocks... adapted to be clamped on the studs of the base plate" (Col 2, Lines 20-35)". It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a spacer element adaptable to interact with the connection element of O'Farrell to be capable of gripping the upper edge of the base plate (jaw sidewall), locking

Art Unit: 3679

between a pair of blocks, or adapting to be clamped on the studs of the base plate, as taught by Kristiansen.

As to Claim 35. O'Farrell discloses the claimed invention significantly as claimed, but does not disclose said spacer having a hinge with a rotating bracket on a portion thereof.

Kristiansen also discloses said spacers having a bent extension or a hinge (6) with a rotating bracket (7) on part of an edge, to be "provide for a swingable mounting (Col 2, Lines 36-37)" of a block or equivalent thereof. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a spacer element adaptable to interact with the connection element of O'Farrell, to provide for a swingable mounting of a block or equivalent thereof, as taught by Kristiansen.

Response to Arguments

Applicant's arguments filed 10/11/05 have been fully considered but they are not persuasive.

As to Claims 1-18, Applicant argues that

the lateral leg 11 is not connected with an adjustment means or an adjustment element... [and] does not actually project into the interior of the connection element.

Examiner respectfully disagrees as to Claims 1-18 because the lateral leg 11 of O'Farrell extends from the adjustment means 6 which is located within each connection element to protrude to the outside of the connection element.

Allowable Subject Matter

Claims 26, and 29 - 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As to Claim 26. The primary reason for the allowance of the claims is the inclusion of the limitation of "said first and second lateral legs releasably grasping onto diagonally opposing sides of adjusting means" The prior art of record, O'Farrell, discloses first and second lateral legs, but does not show them releasably grasping onto diagonally opposing sides of single adjusting means.

As to Claims 29 - 31. The primary reason for the allowance of the claims is the inclusion of the limitation of a cover having an "opening suitable for allowing an [Allen] wrench to access at least one of said first and second adjustment elements... said second adjustment element having an opening therein, said first adjustment element being

Art Unit: 3679

activated through said opening" which is not found in the prior art references. The prior art of record, O'Farrell, discloses two adjustment elements that can be activated, but does not show the first element being activated through an opening in the second element, nor does it show the elements being activated by an Allen wrench.

No teaching or suggestion, absent the applicant's own disclosure to modify the joint cover as disclosed by O'Farrell to have the aforementioned elemental features.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,288,892 to Franz cited to show a similar connection element having an eccentric locking device

U.S. Patent No. 4,301,636 to Luria cited to show a similar connection element used for releasably joining planar elements.

U.S. Patent No. 5,083,512 to Newhouse, et al cited to show the use of spacers in a connection element.

U.S. Patent No. 5,833,417 to Sargent, et al cited to show a connection element having perpendicular brackets for clamping.

U.S. Patent No. 6,503,655 to Mazhar cited to show a fastener having an eccentric as its activation element.

U.S. Patent No. 4,131,376 to Busse cited to show a fitting for detachable connecting structural parts having an eccentric.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTK
10/19/2005

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is fluid and cursive, with a large initial 'D'.

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600